REMARKS

This application, as amended herein, contains claims 9-12, 32-40, 42-47 and newly added claims 48-50.

Claims 10, 33 and 37 were rejected under 35 U.S.C. 112, first paragraph. The rejection is respectfully traversed in that these claims measure the intensity of light transmitted when an opaque object is used as the test object, for the specific purpose of obtaining a raw profile with is smoothed to form a black calibration profile. Thus, it is actually desirable that virtually no light be transmitted, and that the data from, for example a linear array of sensors, when no light is transmitted, be used to form the black calibration profile. Support for these claims may be found in the specification at page 8, lines 15 - 20, and page 12, lines 17 - 22, where a transmissive arrangement in which an opaque object may be placed, is discussed. In view of the above, it is respectfully requested that the rejection of claims 10, 33 and 37 under 35 U.S.C. 112, first paragraph, be withdrawn.

Claims 9, 11, 12, 32, 34-36 and 38-40 were rejected as being anticipated by Houchin et al. Claims 42-47 were rejected as obvious over Houchin et al. The rejections are respectfully traversed.

Applicants' invention, as set forth in claim 9, as amended herein, is directed to a system for scanning images. The system comprises means for providing light; means for measuring at a number of points on a transparent

object, the intensity of light emitted from the means for providing light transmitted through the transparent object to form a first raw profile; and means for smoothing the first raw profile to form a calibration profile. In accordance with claim 9, as amended herein, the smoothing includes extrapolation at an end of the profile. Support for this amendment may be found in the paragraph bridging pages 19 and 20 of the specification, and page 20, lines 11-16.

Thus, Applicants' invention, as set forth in claim 9, as amended herein, not only deals with calibration issues, but also deals with correcting for a problem that can result from various attempts to alleviate such calibration issues. By applying extrapolation at an end of the profile, flattening of the signal at the end of the profile is avoided. It is respectfully submitted that Houchin et al, as well as the other art of record, is entirely silent on this issue. It is thus submitted that claim 9 is directed to patentable subject mater.

Independent method claim 32, and independent computer product claim 36 have been amended in a manner analogous to that of claim 9. For the reasons stated above with respect to claim 9, it is respectfully submitted that claims 32 and 36 are also directed to patentable subject matter.

The original dependent claims depend from one of the independent claims discussed above. These claims recite further elements which, in combination with the elements of

the claim from which they depend, are not shown or suggested in the art of record.

With specific reference to claims 10, 33 and 37, there is no prior art rejection. Thus, in view of the explanation set forth above with respect to the rejection under 35 U.S.C. 112, it is respectfully submitted that the Examiner should either cite relevant art, or allow the claims. It is thus submitted that claims 10, 33 and 37 are directed to patentable subject mater.

Newly added claims 48, 49 and 50, which depend from claims 9, 32 and 36 respectively, recite that the extrapolation is also performed at another end of said profile. Thus, the problem addressed above in the discussion of claim 1, is addressed at both ends of the profile, and flattening is avoided at both ends. For this reason, and for the reasons stated above with respect to claim 1, it is respectfully submitted that claims 48, 49 and 50 are also directed to patentable subject matter.

In view of the allowable nature of the subject matter of all of the claims, if the Examiner cannot issue an immediate allowance, it is respectfully requested that he contact the undersigned to resolve any remaining issues.

The Examiner is advised that parent application serial number 09/052,563 has issued as United States Patent No. 6,400,468, while a further divisional application, serial number 09/773,947 has issued as United States Patent No. 6,714,321.

Please charge the fee of $36 for two additional dependent claims in excessive of twenty to deposit account no. 50-0510. A duplicate of this last page is enclosed.

Respectfully submitted,

David Aker

4/5/04

David Aker, Reg. No. 29,277
23 Southern Road
Hartsdale, NY 10530
Tel. & Fax 914 674-1094

Date

SERIAL NO.: 09/773,948

FILED: 02/01/2001